



Senate

General Assembly

File No. 576

January Session, 2007

Substitute Senate Bill No. 1236

Senate, April 25, 2007

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE UPGRADING OF EXISTING MOBILE MANUFACTURED HOME PARKS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21-68 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Each mobile manufactured home park shall conform to the
4 requirements of the State Building Code, the Fire Safety Code and local
5 ordinances or planning or zoning regulations, if any, provided an
6 applicant for a license for a mobile manufactured home park in
7 existence on October 1, 1972, may, with the consent of the
8 Commissioner of Consumer Protection, be exempted from the
9 provisions of sections 425.31, 425.32, 425.33, 425.51 and 425.52 of the
10 basic or State Building Code, if such park meets the remaining
11 requirements for a license; and provided further, the commissioner
12 may exempt any mobile manufactured home park from the provisions
13 of section 425.37 of said code, with respect to faucets, sanitary facilities,

14 laundry tubs and slop sinks for community use. The replacement of a
15 mobile manufactured home in a mobile manufactured home park with
16 a mobile manufactured home with the same or different external
17 dimensions that is built in compliance with federal mobile
18 manufactured home construction and safety standards, as amended
19 from time to time, shall not constitute an expansion of a
20 nonconforming use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21-68

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill alters what constitutes an expansion of a nonconforming use of a mobile manufactured home in a mobile manufactured home park, and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1236*****AN ACT CONCERNING THE UPGRADING OF EXISTING MOBILE MANUFACTURED HOME PARKS.*****SUMMARY:**

Under this bill, replacing a mobile manufactured home in a mobile manufactured home park with one that has the same or different dimensions does not constitute an expansion of a nonconforming use if the home is built in compliance with federal mobile manufactured home construction and safety standards. By law, zoning regulations cannot prohibit the continuation of a land use that was legal when the regulations were adopted, but zoning regulations often prohibit the expansion of such legal nonconforming uses.

EFFECTIVE DATE: Upon passage

BACKGROUND***Wiltzius v. Zoning Board of Appeals of New Milford (2006 WL 463380)***

The suit involved a mobile manufactured home park located in an area that was subsequently zoned for single house lots with a 60,000 or 80,000 square-foot minimum lot size. Neither zone allows mobile manufactured home parks. An abutting property owner challenged the zoning board of appeal's decision to issue permits allowing mobile manufactured homes to be replaced with larger ones. The Superior Court held that the board could not issue zoning permits for mobile manufactured homes larger and taller than the homes they were replacing. The court did so even after noting that many of the homes in the park predated federal manufactured home standards which, although they did not require homes to be larger, include requirements setting minimum room sizes, ceiling heights, roof truss standards, and

roof load tests that effectively ended the manufacture of smaller, 10-foot wide homes.

Legislative History

The Senate referred the bill (File 70) to the Planning and Development Committee, which reported a substitute bill that changes the bill's standard for the replacement mobile manufactured homes and eliminates its references to (1) the State Building Code, (2) the Fire Safety Code, (3) local ordinances and (4) local planning and zoning regulations.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/06/2007)

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (04/11/2007)